

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

January 26, 2012

8:30 A.M. ROLL CALL

Invocation by Pastor Chip Henderson of the New Covenant Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Swearing-in of newly appointed City Clerk Yvonne Spence – **Oath administered**

Proclamation of "[WILLIAM S. BILL WHITEHURST DAY](#)" – Mayor's Office and All Councilmembers – **Read and presented**

Proclamation of "[CATHERINE YIM DAY](#)" – Mayor's Office and All Councilmembers – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [January 12, 2012](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Reports made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. [Adopt second revision of the Domestic Air Service Incentive Program for the Fresno Yosemite International Airport to encourage air service to new markets – Airports Dept.](#)
Action Taken: Adopted
- B. [Approve appointments of: Robert Engleman to the Bicycle and Pedestrian Advisory Committee; appointments of Frances Reyes Acosta and Dr. William Dailey Jr. to the Disability Advisory Commission; the re-appointment of Vonnie Franks to the Fresno-Madera Area Agency on Aging; appointment of Steven Bedrosian to the Fresno Housing Authority and; appointment of Justin Surratt to the Fresno Regional Workforce Investment Board – Mayor's Office](#)
Action Taken: Approved
- C. **RESOLUTION** - [Authorizing submission of an application to the Department of Resources Recycling and Recovery \(CalRecycle\) for a waste tire cleanup grant, and authorizing the Development and Resource Management Assistant Director to sign on behalf of the City of Fresno – Development and Resource Management Dept.](#)
Action Taken: resolution No. 2012-10 adopted
- D. [Reject all bids received for the primary sludge pump rehabilitation components bid at the Fresno/Clovis Wastewater Reclamation Facility \(**Property located in District 3**\) – Dept. of Public Utilities](#)
Action Taken: Rejected
- E. [Approve agreement with CDM Smith Inc. to extend the contract time for groundwater remedial action services at the City of Fresno Sanitary Landfill \(**Property located in District 3**\) – Dept. of Public Utilities](#)
Action Taken: Approved
- F. [Reject all bids for the for the Fresno Street and El Paso Avenue, installation of 14-inch water main project \(**Property located in District 6**\) – Public Works Department](#)
Action Taken: Failed/staff to engage in process to post award of bid

1. **CONSENT CALENDAR CONTINUED**

- G. Submission for informational purposes of the Comprehensive Annual Financial Reports (CAFR) regarding the financial activities of the City of Fresno Retirement Systems for the Fiscal Year ending June 30, 2011 – Retirement Offices
Action Taken: Accepted
- H. Affirm adoption of a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130/MND for Plan Amendment No. A-09-02 prepared for Environmental Assessment No. C-11-023/T-5993 (**Property located in District 3**) – Public Works Department
Action Taken: Adopted
1. **RESOLUTION** - Ordering the summary vacation of a portion of San Joaquin Street northeasterly of Fulton Street and a portion of Fulton Street southeasterly of San Joaquin Street
Action Taken: Resolution No. 2012-11 adopted
- I. Approve purchase agreement for acquisition of a portion of a parcel for the amount of \$93,000 from seller: Frances Barigian, to construct a new water supply well on 4672 N. Blackstone Avenue (**Property located in District 4**) – Department of Public Utilities
Action Taken: Approved
- J. Approve an agreement with Blair, Church and Flynn in the amount of \$66,700, with a contingency amount of \$15,000 (total amount will be \$81,700), for the preparation of construction plans and general contract documents for the Santa Fe Avenue Street widening between Palo Alto and Blythe Avenues and to authorize the Public Works Director or his designee to execute the agreement on behalf of the City (**Property located in District 2**) – Public Works Department
Action Taken: Approved
- K. **BILL – (For introduction)** - Amending Subsection (e) of Sections 3-353, 3-424 and 3-566 of the Fresno Municipal Code relating to service connected deaths occurring during active participation in the Deferred Retirement Option Program (“DROP”) for the City of Fresno Fire and Police Retirement System and the City of Fresno Employees Retirement System – Retirement Offices
Action Taken: Bill No. B-3 introduced/laid over
- L. **BILL – (For introduction)** - Amending Sections 3-334 and 3-543 of the Fresno Municipal Code relating to retiree reinstatement to City Employment – Retirement Offices
Action Taken: Bill No. B-4 introduced/laid over

CONTESTED CONSENT CALENDAR

9:00 A.M. **GENERAL ADMINISTRATION**

- A. Approve amendment to construction contract with Fortune-Ratliff not to exceed \$399,000 to complete improvements on the new Handy Ride facility – Dept. of Transportation/FAX
Action Taken: Approved
- B. * **RESOLUTION** – Adopting a policy to waive the Citywide development impact fees for parks, major streets, and traffic signals within the Downtown Development Incentive Zone – Public Works Dept.
Action Taken: Discussed/staff directed to return with additional information in 30 days

9:30 A.M.#1 **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a) (Councilmember Brand)
1. **Case Name:** City of Fresno v. Lucila Jesus Mendoza – Superior Court Case No. 10CECG1818
 2. **Case Name:** City of Fresno v. Raps Fresno, LLC, et al. (also known as “Hotel Fresno”); Fresno Superior Court Case No. 05CECG01744
Action Taken: Held

9:30 A.M.#2 **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6
City Negotiators: Ken Phillips, Terry Bond
Employee Organization(s):
1. Fresno City Employees Association (FCEA)
 2. City of Fresno Professional Employees Association (CFPEA)
Action Taken: Held

9:30 A.M.#3 **CITY COUNCIL**

- A. Council consideration of request by developer of Hotel Fresno to release City judgment upon project commencement - Councilmember Brand
Action Taken: Continued three (3) weeks

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M.** **BILL – (For introduction and adoption)** - Extending Ordinance No. 2011-41 relating to placing a moratorium on outdoor cultivation of medical marijuana in the City of Fresno pursuant to Government Code Section 65858 pending the development of standards and regulations relating to cultivation and dispensing as a new land use standard and adopt findings of Categorical Exemption pursuant to CEQA Guidelines Section 15061(b)(3) – Police Department
Action Taken: Bill No. B-5/Ordinance No. 2012-3 adopted
- 11:00 A.M.** **WORKSHOP** regarding Sustainable Fresno Division – Development and Resource Mgmt. Dept. - Held

1:30 P.M.#1 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of January 5 and 12, 2012

Action Taken: Approved

- A. **RESOLUTION** - Approving the Replacement Housing Plan for five (5) sites which include 1733 and 1737 E. Belmont Avenue, 161 N. Clark Street, 329 N. College Avenue, 864 Klette Avenue, and 3745 E. El Monte Way, located within and adjacent to the Redevelopment Project Areas (**Agency action**)
Action Taken: Resolution No. 1796 adopted
- B. Approve an amendment to the professional services agreement with California Associates, Inc. for the construction management and construction staking services necessary for the relocation of historic structures to 450 “M” Street, Fresno CA and exterior restoration of structures, and authorize Executive Director to execute the agreement (**Agency action**)

Action Taken: Approved

1:30 P.M.#1 JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- C. RESOLUTION** - To modify Owner Participation Agreements between the Redevelopment Agency of the City of Fresno and FFDA Properties, LLC, within the Fulton Redevelopment Project Area **(Agency action)**

Action Taken: Removed from the agenda

- D. Approve** first amendment to Disposition and Development Agreement (DD&A) between the Redevelopment Agency of the City of Fresno (the "Agency") and Edison Plaza Partners, LP, a California limited partnership (the "Developer"), for a mixed income/multi-family housing project, on approximately 6.9 acres located south of Lorena Street and west of Walnut Street, subject to City Attorney approval as to form **(Agency action)**

Action Taken: Approved

- E. RESOLUTION** – Adopting Amended Enforceable Obligation Payment Schedule pursuant to California Health & Safety Code Section 34169 **(Agency Action)**

Action Taken: Resolution No. 1797 adopted

- F. * RESOLUTION** – (1) Electing to have the City serve as the Successor Agency to the Redevelopment Agency; (2) electing to retain the housing assets and housing functions previously performed by the Agency; (3) providing for the orderly transition of employees of the Agency; and (4) approving a Memorandum of Understanding (MOU) with the Fresno Revitalization Corporation **(Council Action)**

Action Taken: Resolution No. 2012-12 adopted

ADJOURN AGENCY

**1:30 P.M.#1 SPECIAL JOINT MEETING OF THE FRESNO REVITALIZATION CORPORATION (FRC),
THE CITY OF FRESNO, AND THE CITY OF FRESNO AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY**

- #1 RESOLUTION** – Accepting Ex-Officio designation as the Board of Directors of the Fresno Revitalization Corporation **(Council action)**

Action Taken: Resolution No. 2012-13 adopted

- #2 RESOLUTION** – Approving a Memorandum of Understanding (MOU) with the City of Fresno, and the City of Fresno as the Successor Agency to the Redevelopment Agency of the City of Fresno

Action Taken: Resolution No. 1 adopted

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

- a.** Appearance by J.D. McCubbin to discuss the homeless – **Not present**
- b.** Appearance by John Fehr to discuss the alleged illegal towing of his automobile from his residence located at 1671 E. Bulldog Lane #107 **(Property located in District 4) - Request to continue**
- c.** Appearance by Chris R. Koch to discuss global alliance – **appearance made**

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb	2 –	8:30 A.M.	Presentation of P.R.I.D.E. Team certificates for the winter quarter – <i>(Reception immediately following – 2ND floor foyer)</i>
Feb.	2 -	10:00 A.M.	HEARING re: adoption of a resolution ordering the vacation of portions of “F and “G” Streets northwest of Santa Clara Street and a portion of Santa Clara Street between “F” and “G” Streets
Feb	9 –	8:30 A.M.	MEETING
Feb	16 –	1:30 P.M	AFTERNOON MEETING
Feb	16 –	2:00 P.M.	HEARING to establish a special tax district (CFD 16) for the maintenance of the Universally Accessible Park
Mar.	1 -	10:00 A.M.	HEARING to consider the formation of Underground Utility District No. FRE-92 along the North Side of Nees Avenue from less than one-quarter mile west of Willow Avenue to Willow Avenue <i>(Property located in District 6)</i>
Mar.	8 –	8:30 A.M.	MEETING
Mar.	15 –	NO MEETING	RECESS
Mar.	22 –	8:30 A.M.	MEETING
Mar	28 – (Weds)	2:00 P.M	Presentation of Employee Service Awards – <i>(Reception immediately following – 2nd floor foyer)</i>
Mar.	29 –	8:30 A.M.	MEETING